

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

William Dexter Miller, Jr.

v.

Case No. 07-cv-388

Strafford County Department  
of Corrections, Superintendent

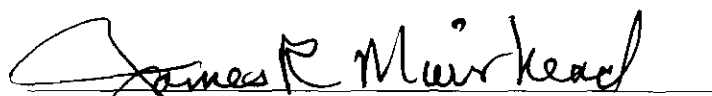
**REPORT & RECOMMENDATION**

Marie Luise Miller brought the instant habeas corpus petition, pursuant to 28 U.S.C. § 2254, on behalf of her son, William Dexter Miller, Jr. Ms. Miller requests her son be transported to the courthouse for an immediate hearing on the merits of the habeas corpus petition.

Leaving aside for the moment whether Ms. Miller has standing to file this habeas petition on her son's behalf, LR 83.6(b), the filer has failed to properly exhaust the remedies in state court and, as a result, this court is without jurisdiction over this request. Thus, Ms. Miller's request to transport William Miller for an immediate hearing and for habeas relief is denied without prejudice and this case shall be administratively closed. Ms. Miller is to provide a status report on her state court exhaustion efforts every ninety (90) days.

**SO ORDERED.**

Date: 12/4/07

  
James R. Muirhead  
United States Magistrate Judge

cc: Marie Luise Miller